

RECEIVED
CENTRAL FAX CENTER

OCT 30 2008

S/N 10/535,268

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|--|-----------------|----------------|
| Applicant: | KUBO ET AL. | Examiner: | MCDOWELL |
| Serial No.: | 10/535,268 | Group Art Unit: | 4161 |
| Filed: | MARCH 21, 2006 | Docket No.: | 08279.1210USWO |
| Title: | IMIDAZOLE DERIVATIVE, THEIR PRODUCTION AND USE | | |

CERTIFICATE UNDER 37 CFR 1.6(d): I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on October 30, 2008.


By: _____
Name: Gina M. Dahl

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants elect Group I (claims 1, 3-10, and 12-25) in response to the Office Action of September 3, 2008. Applicants believe claims 27-29 also belong in Group I. Applicants respectfully traverse the election requirement to the extent it is considered a restriction requirement, since it improperly requires restriction within a single claim. Applicants make the election without traverse to the extent it is considered properly as an election of species. With respect to the request for identification of a single compound at page 3 of the Office Action, applicants elect the compound of Example 68. This election of species is made without traverse.

RECEIVED
CENTRAL FAX CENTER

OCT 30 2008

S/N 10/535,268

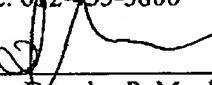
PATENT

An early and favorable action on the merits is requested. Please charge any additional fees or credit any overpayment to Deposit Account No. 50-3478.

Respectfully submitted,

Hamre, Schumann,
Mueller & Larson, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902
Phone: 612-455-3800

Date: October 30, 2008

By 
Name: Douglas P. Mueller
Reg. No. 30,300